REMARKS

In response to the Office Action dated December 16, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-4, 6-15, and 18-38 are pending in this application.

Rejection of Claims under § 101

The Office rejected claims 1, 15, and 38 under 35 U.S.C. § 101 as claiming non-statutory subject matter. These claims have been amended to fully comply with § 101.

Rejection of Claims under § 103 (a)

The Office rejected claims 1-6, 6-15, and 18-38 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0049631 to Williams in view of WO 99/45702 to Knudsen.

These claims, though, are not obvious over *Williams* with *Knudsen*. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Williams* with *Knudsen*. Independent claim 1, for example, recites "*receiving content information describing a user's content selections*" and "*receiving clickstream data describing actions performed by the user while viewing the content selections.*" Independent claim 1 also recites "*merging, by a processor, the clickstream data with the content information to generate merged data describing the clickstream data and the content information over time.*" Independent claims 18 and 38 recite similar features.

These features are not obvious over *Williams* and *Knudsen*. *Williams* discusses an incentive system that associates incentives to purchased items. *See, e.g.*, U.S. Patent Application Publication 2002/0049631 to Williams at paragraphs [0012], [0013], and [0033]. *Williams*

discusses a set top box that can send "an acceptance of an offer" in "instructions" to an advertisement. U.S. Patent Application Publication 2002/0049631 to Williams at paragraphs [0035] - [0037]. *Knudsen* receives "information regarding programs that have been purchased and viewed." *Knudsen* at page 10, lines 8-11. *Knudson* then targets incentives to viewers based on pay-per-view programming. *See, e.g., Knudsen* at page 10, lines 8-11. *Knudsen* also describes an "order processing and billing system" for pay-per-view programming. *Knudsen* at page 9, lines 5-8.

Still, though, the independent claims are not obvious over *Williams* with *Knudsen*. The combined teaching of *Williams* with *Knudsen* still fails to teach or suggest "*receiving content information describing a user's content selections*" and "*receiving clickstream data describing actions performed by the user while viewing the content selections*." The combined teaching of *Williams* with *Knudsen* also fails to teach or suggest "*merging, by a processor, the clickstream data with the content information to generate merged data describing the clickstream data and the content information over time*." One of ordinary skill in the art, then, would not think that the independent claims are obvious.

Claims 1-6, 6-15, and 18-38, then, are not obvious over *Williams* with *Knudsen*. The independent claims recite many features that are not disclosed or suggested by *Williams* with *Knudsen*. Their respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-6, 6-15, and 18-38 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Traversal of "Official Notice" of Survey Data

The Assignee traverses the Office's use of "Official Notice" when rejecting claims 10 and 22. The Office takes "Official Notice" that survey data is well known in marketing. The Assignee disagrees with this assertion and, respectfully, believes that the Office is factually incorrect.

The Assignee, on the contrary, believes that the collection of survey data is unknown in the field of viewing habits. Paragraphs [0034] and [0037], which are reproduced below, explain:

[0001]   Figure 2 is a block diagram of an exemplary network for collecting data from a plurality of data sources. A data source is any source of information and may include a database and/or a data collection device. Examples of data sources include records of retail purchases such as credit card purchases and online purchases, records of user viewing selections, and records of user information such as demographic information. In addition to the configuration shown in Figure 1, the server 11 may be connected to a plurality of data sources as depicted in Figure 2. Each data source contributes data to the user data 17 in the system memory 16. The classification module 13 reads and analyzes the user data 17. Examples of data sources include shopping information 25, television habits 27, **survey data 29**, and computer viewing information 31. Various configurations may be used to efficiently store and process the user data 17. For example, information about a user may be collected by a device and stored in a temporary memory location, such as a buffer, and uploaded to the user data 17 periodically. In another example, multiple servers or a network of computers may perform the function of the server 11.

[0002]   **Survey data 29 includes information collected by surveys about a user.** Survey data 29 is collected by surveys, such as online surveys, telephone surveys, or mail-in surveys, and may include personal information about a user such as names, geographic locations, income levels and other demographic information.

The Assignee, then, respectfully, demands that the Office provide authority for its use of "Official Notice." As M.P.E.P. § 2144.04 (C) provides, the Assignee hereby respectfully requests that the Office provide documentary evidence to support this assertion.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

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